

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MICHAEL RYAN,

Plaintiff,

Case No. 1:11-CV-1075

v.

HON. GORDON J. QUIST

UNKNOWN MALCOMB, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 8, 2013, Magistrate Judge Hugh W. Brenneman, Jr., issued a Report and Recommendation (docket no. 52) recommending that this Court grant Defendant Prison Health Services, Inc.'s (PHS) Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (docket no. 34), deny PHS's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b), and terminate the case. Both of PHS's Motions to Dismiss were unopposed by Plaintiff.

The Court has reviewed the Report and Recommendation, which was served on Plaintiff on February 11, 2013. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). The Court now adopts the Report and Recommendation as the opinion of the Court. Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (docket no. 52) is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (docket no. 34) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(b) (docket no. 49) is **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff's state law claims for medical malpractice are **DISMISSED** without prejudice.

A separate judgment will issue. This case is **concluded** before this Court.

Dated: March 4, 2013

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE